

NOSSAMAN LLP  
JOHN T. HANSEN (SBN 034639)  
[jhansen@nossaman.com](mailto:jhansen@nossaman.com)  
BRENDAN F. MACAULAY (SBN 162313)  
[bmacaulay@nossaman.com](mailto:bmacaulay@nossaman.com)  
50 California Street, 34th Floor  
San Francisco, California 94111  
Telephone: (415) 398-3600  
Facsimile: (415) 398-2438

## Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re: DEMMIE BALAURO ACOSTA.<sup>1</sup>

### **Debtors.**

Chapter 11

Case No: 09-32339 DM

Consolidated for Administration Only

**APPLICATION TO EMPLOY SPECIAL  
COUNSEL FOR THE DEBTOR**

1 The Debtors in these cases are Demmie Balauro Acosta and Beriong Investments, LLC. The address for Debtors is 171 Kenwood Avenue, San Francisco, California 94127.

1 Demmie Balauro Acosta, the Debtor and Debtor-In-Possession herein ("Debtor"),  
2 respectfully represents and alleges that:

3 1. Debtor filed a petition under Chapter 11 of the Bankruptcy Code on August 14,  
4 2009, and is seeking means of reorganizing her financial affairs.

5 2. Debtor desires to retain Brenda Cruz Keith, Law Offices of Brenda Cruz Keith, of  
6 San Francisco, California as special counsel for landlord/tenant matters. Said special counsel  
7 has agreed to accept as compensation for her services and reimbursement of expenses such  
8 amounts as may be allowed by this Court upon application, notice and hearing.

9 3. Fees for the services of attorneys and legal assistants will be billed by the hour.  
10 The hourly rate for fees charged by Ms. Cruz Keith is \$250.00 per hour.

11 4. Debtor requires counsel to provide services related to the eviction of tenants from  
12 her rental properties and such other landlord/tenant issues that may arise from time to time.  
13 This is a highly specialized area of practice, especially in San Francisco due to its rent control  
14 laws, and Ms. Cruz Keith is highly experienced in this area of the law as demonstrated by her  
15 practice description attached as Exhibit 1. Although Ms. Cruz Keith was subject to minor  
16 disciplinary actions in the late 1980s, she has not been subject to any disciplinary action since  
17 1990.

18 5. Pursuant to Fed. R. Bankr. P., Rule 2014(a), based upon the Declaration of  
19 Brenda Cruz Keith and to the best of Debtor's knowledge, special counsel proposed to be  
20 retained by Debtor is not a creditor of the Debtor; nor does she have any connection with or  
21 have represented creditors or other parties in interest or attorneys or accountants for said  
22 parties in interest; nor does she have any connection with the accountants for the Debtor, the  
23 United States Trustee or any person in the Trustee's office; nor does she hold or represent any  
24 interest adverse to Debtor or to the estate herein. Ms. Cruz Keith has represented the Debtor  
25 on several occasions in the past in connection with landlord/tenant matters, but otherwise has  
26 no connection with the Debtors. Her employment would be in the best interest of this estate.

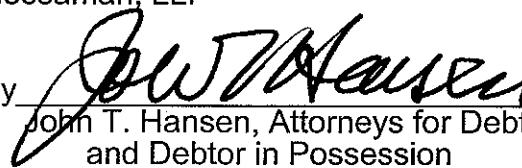
1 WHEREFORE, Debtor prays that she be authorized to employ Brenda Cruz Keith, Law  
2 Offices of Brenda Cruz Keith as special counsel for the debtor-in-possession herein under a  
3 general retainer with compensation to be at the expense of the estate in such amounts as the  
4 Court may hereinafter allow.

5  
6 Dated: October 28, 2009

Nossaman, LLP

7 By

8 John T. Hansen, Attorneys for Debtor  
9 and Debtor in Possession



28 APPLICATION TO EMPLOY SPECIAL COUNSEL FOR THE DEBTOR

**LAW OFFICES OF  
BRENDA CRUZ KEITH  
1965 Market Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94103  
(415) 626-6494  
Fax : (415) 626-9835  
Bcruzkeith@sbcglobal.net**

### **REAL ESTATE LITIGATION / LANDLORD TENANT PRACTICE**

Since 1992 Brenda Cruz Keith has focused her practice on providing legal services to landlords, property owners and real estate professionals in a variety of contexts.

#### **Landlord-Tenant**

San Francisco is a rent-controlled jurisdiction. We advise landlords, real estate agents, and new owners on the variety of tenant issues that arise under the San Francisco Residential Rent Ordinance. This includes providing advice, drafting notices of termination of tenancy on just cause grounds and performing evictions. We also prepare and argue landlord petitions before the San Francisco Rent Board.

We handle evictions, rent collection matters and lease disputes for commercial landlords throughout the Bay Area and California.

We defend landlords in tenant litigation such as wrongful eviction and breach of warranty of habitability and constructive eviction suits.

#### **Other Real Estate Litigation**

We represent property owners in title and easement issues and co-owner disputes including partition and quiet title actions.

We represent owners and real estate professionals in non-disclosure actions, malpractice claims and disputes arising out of the purchase and sale of properties.

Other types of disputes we handle include representation of landlords sued by the City for Code Enforcement Violations and defense of disability and other discrimination claims, including housing discrimination.

#### **Insurance Defense / Cumis**

We have acted as insurance defense counsel and also as Cumis counsel for a number of insurers including CNA, State Farm, Farmers Insurance, Allstate, and Lloyds.

**EXHIBIT 1**